

IN THE CLAIMS

Applicant submits amendments to the Claims as per the notice of 25 February 2003 in the Off. Gaz. Pat. Office, *Amendments in a Revised Format Now Permitted.*

cl 1. (original) A construction element for use as an underlayment or backerboard comprising:

- (a) a core having an upper principal surface and a lower principal surface; and
- (b) an impervious membrane on the lower principal surface of the core; the core including alkaline resistant fibers.

a 2. (original) The construction element of Claim 1, the alkaline resistant fibers being chopped reinforcement fibers randomly dispersed in the core.

3. (original) The construction element of Claim 2, the impervious membrane comprising a reinforced polymer membrane.

4. (original) The construction element of Claim 2, the impervious membrane comprising waterproof paperboard.

5. (original) The construction element of Claim 2, the impervious membrane comprising spunbonded olefin.

6. (original) The construction element of Claim 2, the impervious membrane comprising an alkaline resistant dense polymer fiber mat.

7. (original) The construction element of Claim 2, the cement core comprising Portland cement and an additive selected from the group consisting of expanded shale, expanded clay, sintered clay, pumice, slag, calcium carbonate, slate, diatomaceous slate, perlite, vermiculite, scoria, volcanic cinders, tuff, diatomite, sintered fly ash, industrial cinders, gypsum, foam beads and glass beads.

8. (original) A construction element for use as an underlayment or backerboard comprising:

- (a) a core having an upper principal surface and a lower principal surface;
- (b) a pervious upper reinforcement material on the upper principal surface of the core;
- (c) an upper coating in communication with the upper principal surface of the core and the pervious upper reinforcement material; and
- (d) an impervious membrane on the lower principal surface of the core.

9. (original) The construction element of Claim 8, the impervious membrane comprising a reinforced polymer membrane.

10. (original) The construction element of Claim 8, the impervious membrane comprising waterproof paperboard.

11. (original) The construction element of Claim 8, the impervious membrane comprising spunbonded olefin.

12. (original) The construction element of Claim 8, the impervious membrane comprising an alkaline resistant dense polymer fiber mat.

13. (original) The construction element of Claim 8, the cement core comprising Portland cement and an additive selected from the group consisting of expanded shale, expanded clay, sintered clay, pumice, slag, calcium carbonate, slate, diatomaceous slate, perlite, vermiculite, scoria, volcanic cinders, tuff, diatomite, sintered fly ash, industrial cinders, gypsum, foam beads and glass beads.

14. (original) A construction element for use as an underlayment or backerboard comprising:

(a) a cement core having an upper principal surface and a lower principal surface;

(b) a pervious reinforcement layer on the upper principal surface of the core;

(c) a cement slurry binding the reinforcement layer to the upper principal surface of the core; and

(d) a high tensile strength, impervious moisture barrier membrane bound to the lower principal surface of the core.

15. (original) The construction element of Claim 14, the cement core comprising Portland cement and an additive selected from the group consisting of expanded shale, expanded clay, sintered clay, pumice, slag, calcium carbonate, slate, diatomaceous slate, perlite, vermiculite, scoria, volcanic cinders, tuff, diatomite, sintered fly ash, industrial cinders, gypsum, foam beads and glass beads.

16. (original) The construction element of Claim 14, the core comprising Portland cement and alkaline resistant fibers.

17. (original) The construction element of Claim 16, the alkaline resistant fibers being chopped reinforcement fibers randomly dispersed in the core.

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18. (original) The construction element of Claim 14, the pervious reinforcement layer comprising a fiberglass mesh with an alkaline resistant coating, the fiberglass mesh of the pervious reinforcement layer selected from the group consisting of woven fiberglass and fiberglass skim.

19. (original) The construction element of Claim 14, the impervious moisture barrier membrane comprising an alkaline resistant dense polymer fiber mat.

Claims 20-35 (canceled).

36. (new) The construction element of Claim 1, the impervious membrane comprising a reinforced polymer membrane.

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37. (new) The construction element of Claim 1, the impervious membrane comprising waterproof paperboard.

38. (new) The construction element of Claim 1, the impervious membrane comprising spunbonded olefin.

39. (new) The construction element of Claim 1, the impervious membrane comprising an alkaline resistant dense polymer fiber mat.

40. (new) The construction element of Claim 1, the impervious membrane comprising Tyvek®.

✓ 41. (new) The construction element of Claim 1, the cement core comprising Portland cement and an additive selected from the group consisting of expanded shale, expanded clay, sintered clay, pumice, slag, calcium carbonate, slate, diatomaceous slate, perlite, vermiculite, scoria, volcanic cinders, tuff, diatomite, sintered fly ash, industrial cinders, gypsum, foam beads and glass beads.

42. (new) The construction element of Claim 1, further comprising a pervious upper reinforcement material on the upper principal surface of the core.

43. (new) The construction element of Claim 42, further comprising an upper coating in communication with the upper principal surface of the core and the pervious upper reinforcement material.

44. (new) The construction element of Claim 42, further comprising a cement slurry binding the pervious upper reinforcement layer to the upper principal surface of the core.

45. (new) An asymmetrical construction element for use as an underlayment or backerboard comprising:

- any*
- (a) a core having an upper principal surface and a lower principal surface; and
 - (b) an impervious membrane on the lower principal surface of the core;

the construction element being asymmetrical in design such that a layer or layers on the upper principal surface, if any, differ in arrangement from the layer or layers on the lower principal surface.

✓ 46. (new) The asymmetrical construction element of Claim 45, the upper principal surface and the lower principal surface of the core have different moisture-resistant layers, respectively, on each.

✓ 47. (new) The asymmetrical construction element of Claim 46, the different moisture-resistant layers having different moisture-resistant properties.

48. (new) An asymmetrical construction element for use as an underlayment or backerboard comprising:

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- (a) a core having an upper principal surface and a lower principal surface;
 - (b) a pervious upper reinforcement material on the upper principal surface of the core;
 - (c) an upper coating in communication with the upper principal surface of the core and the pervious upper reinforcement material; and
 - (d) an impervious membrane on the lower principal surface of the core

the construction element being asymmetrical in design such that the layer or layers on the upper principal surface, if any, differ in arrangement from the layer or layers on the lower principal surface.

49. (new) The asymmetrical construction element of Claim 48, the core including alkaline resistant fibers.

50. (new) The asymmetrical construction element of 48, the alkaline resistant fibers being chopped reinforcement fibers randomly dispersed in the core.

51. (new) The asymmetrical construction element of Claim 50, the impervious membrane comprising a reinforced polymer membrane.